

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THEODORE J. VIGIL,

Plaintiff,

v.

JP MORGAN CHASE BANK N.A.,

Defendant.

No. 2:25-cv-00629-DAD-AC (PS)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING
PLAINTIFF'S COMPLAINT AND DENYING
MOTION FOR A TEMPORARY
RESTRANING ORDER AND
PRELIMINARY INJUNCTION

(Doc. Nos. 3, 5)

Plaintiff Theodore J. Vigil, proceeding *pro se* and *in forma pauperis*, initiated this civil action on February 24, 2025. (Doc. No. 1.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 2, 2025, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's complaint (Doc. No. 1) be dismissed for failure to state a claim and plaintiff's motion for a temporary restraining order and preliminary injunction (Doc. No. 3) be denied. (Doc. No. 5.) In the findings and recommendations, the magistrate judge observed that plaintiff's complaint is "replete with the legal-sounding but meaningless language commonly used by adherents to the so-called sovereign-citizen movement" and that plaintiff "appears to subscribe to the strawman theory that a person's name, when spelled in all capital letters, creates

1 a separate legal entity” and the theory that an “endorsement or other non-standard, self-generated
2 document is a form of legal tender.” (*Id.* at 4–5.) The magistrate judge noted that the
3 “underlying premise of the complaint is that plaintiff’s note to defendant constituted legal tender
4 that discharged the debt on his car loan, and that defendant violated the law by not accepting the
5 note and discharging the loan.” (*Id.* at 4.) The magistrate judge concluded that plaintiff’s
6 complaint is frivolous “because it is clear from the complaint that plaintiff provided non-legal
7 tender to defendant in an attempt to pay a loan, and defendant was not required to accept the non-
8 legal tender.” (*Id.* at 5.) The magistrate judge further recommended that plaintiff’s motion for a
9 temporary restraining order asking the court to prevent repossession of his vehicle be denied
10 because plaintiff’s theory that he satisfied the loan in full by sending defendant a “Notice of
11 Acceptance with remittance coupons and negotiable instruments” which defendant improperly
12 rejected as non-legal tender is meritless. (*Id.*) Those pending findings and recommendations
13 were served on plaintiff and contained notice that any objections thereto were to be filed within
14 twenty-one (21) days after service. (*Id.* at 6.) On April 10, 2025, plaintiff timely filed objections
15 to the pending findings and recommendations. (Doc. No. 6.)

16 In his objections, plaintiff “unequivocally states that this action is not affiliated with, nor
17 based on, any ‘sovereign citizen’ ideology or fringe legal theory” and argues that his claims “are
18 grounded solely in established federal and commercial law.” (Doc. No. 6 at 2.) Yet plaintiff still
19 argues that “this case centers on defendant’s failure to fulfill its legal obligations, including
20 refusal to validate a disputed debt” and that he submitted a “negotiable instrument . . . clearly
21 intended to discharge the disputed obligation.” (*Id.* at 2.) Plaintiff further argues that his
22 “instrument” contained explicit language, met all the criteria of a negotiable instrument, and was
23 tendered in good faith. (*Id.* at 4–8.) The court has reviewed plaintiff’s objections and the
24 evidence attached to his complaint of his attempted payment and finds that none of plaintiff’s
25 arguments present a basis upon which to reject the magistrate judge’s recommendations.

26 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
27 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
28 findings and recommendations are supported by the record and by proper analysis.

1 Accordingly,

2 1. The findings and recommendations issued on April 2, 2025 (Doc. No. 5) are
3 ADOPTED in full;

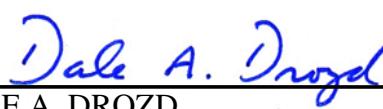
4 2. Plaintiff's complaint (Doc. No. 1) is DISMISSED, without leave to amend;

5 3. Plaintiff's motion for a temporary restraining order and preliminary injunction
6 (Doc. No. 3) is DENIED; and

7 4. The Clerk of Court is directed to CLOSE this case.

8 IT IS SO ORDERED.

9 Dated: May 1, 2025

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DALE A. DROZD
UNITED STATES DISTRICT JUDGE

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